

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2397 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- SC/ST District- Araria

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1. Rakib @ Md. Rakib @ Md. Rakibuddin son of Late Badruddin Village-
Banmottar W.No-13, Ps- Jokihat Dist- Araria
 2. Salimuddin @ Md. Salimuddin son of Late Atabul Rahman Village-
Banmottar W.No-13, Ps- Jokihat Dist- Araria
 3. Guddu @ Md. SArtaj @ SArtaj @ Mohammad SArtaj son of Mahbub
Village- Banmottar W.No-13, Ps- Jokihat Dist- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Dayanand Prasad Rajak son of Late Shyamlal Rajak Village- Banmottar
W.No-13, Ps- Jokihat Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md Ziaul Quamar, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-07-2026 1. Heard learned counsel for the appellants and
learned Special P.P., Ms. Usha Kumari 1 for the State.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 01.05.2024 in A.B.P. No. 892 of 2024 passed by the
learned First Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Araria in connection with Araria SC/ST
Case No. 43 of 2023 registered for the offences punishable



under Sections 147, 149, 341, 325, 324, 323, 307, 504, 506, 354(B), 427, 379 and 385 of the Indian Penal Code as well as Sections 3(i)(r)(s), 3(2)(v), 5 of the SC/ST Act.

3. Learned counsel for the appellants submits that the notice on behalf of the informant was received by his mother, accordingly a jointness application has been filed that informant resides with his mother, as such, the notice is validly served. It is next submitted that informant despite receiving notice chooses not to appear and contest.

4. Learned counsel for the appellants next submits that the appellants have antecedent of one case and the informant alleges that he is posted as an Assistant in District Establishment Office, Araria, further on 23.12.2023 at 7:45 AM, he was going to his office with some important documents, when 200 meters away from his house, accused persons including the appellants intercepted him and Md. Afaque on point of pistol asked him to withdraw the case instituted by his mother, thereafter on orders of Salimuddin, all accused abused him by taking caste name and Rakib (appellant no. 1) assaulted by an iron rod causing injury on head while Jahid assaulted by knife causing injury on thumb, further Shahanwaz assaulted by *lathi* causing fracture of right shoulder, thereafter Guddu



(appellant no. 3) and Mahbub assaulted his mother and wife by leg and fist and tore their clothes and Afaque snatched his chain and documents which he was carrying and tore the documents.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that police after investigation submitted Final Form No. 07 of 2024 exonerating the appellants of the allegations as alleged in the FIR, but then the learned Trial Court differing with the police report took cognizance. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellants are innocent whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the appellants of the allegations.

6. Learned Special P.P. for the State opposes the appeal but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that police after investigation submitted final form exonerating the appellants of the allegation.

7. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail



to the appellants but since cognizance has been taken, as such, the appellants are directed to appear before the learned Trial Court on 06.08.2026.

8. It is made clear that if appellants appear before the learned Trial Court on 06.08.2026, the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the fact that police after investigation submitted final form exonerating the appellants of the allegation and also keeping the observation of this Court in mind as recorded hereinabove.

(Satyavrat Verma, J)

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